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Oregon Forest Industries Council

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VIA EMAIL: yon.donald.r@deq.state.or.us

Don Yon
DEQ Environmental Solutions Division
811 SW Sixth Ave.
Portland, OR 97204

Re: Comments on 2014 Draft Oregon Nonpoint Source Management Program Plan

Dear Mr. Yon,

The Oregon Forest Industries Council is a trade association representing more than fifty large forestland owners and forest products manufacturing-related firms that own and manage roughly 5,000,000 acres of forestland throughout the State of Oregon. We write to you today in response to your solicitation for input on the recent draft Nonpoint Source Management Program Plan (the "Draft Nonpoint Plan"). The following is a list of our comments and concerns.

1. On pages 15 and 26 you reference the current Memorandum of Understanding between the Oregon Department of Forestry ("ODF") and the Department of Environmental Quality ("DEQ"). As you know, that MOU was signed in 1998 at the conclusion of protracted negotiations. While there may be room for minor improvements, we are not aware of any major deficiency in the current MOU. In that light, we caution against committing to EPA that Oregon will revise the current MOU, or complete annual and five-year reviews. Instead, we would encourage review of the existing MOU as issues arise, and without any particular timeline or commitment to EPA.
2. On page 25, DEQ proposes that staff review TMDLs and TMDL Implementation Plans every five years. This strikes us as overly-ambitious, and we would encourage you to commit to EPA only that which you can realistically achieve.
3. On page 32 you reference development of a guidance document for antidegradation, and revisions to the water quality standards for turbidity and nutrients. To the extent DEQ intends to proceed with antidegradation policy changes, or revisions to water quality standards, we would respectfully request landowner involvement.
4. Finally, on page 54 you indicate that DEQ authority to prescribe forestland BMPs would be "triggered by the failure of the Board [of Forestry] to adopt adequate BMPs to implement TMDL allocations for forestry or to avoid impairment of water quality such that standards are not met." We respectfully disagree, and refer you to our October 7, 2010 letter to DEQ on this count.

Thank you for taking our comments.

Sincerely,

Heath A. Curtiss
General Counsel, Director of Government Affairs